

FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

EMILIANO SANTIAGO,
Petitioner-Appellant,

v.

DONALD H. RUMSFELD, Secretary of
Defense; LES BROWNLEE, Secretary
of the United States Department of
the Army (Acting); RAYMOND
BYRNE, Acting Adjutant General of
the Oregon National Guard; DAVID
DORAN, Captain, Detachment One,
Company D, 113 Aviation Unit
Commander,

Respondents-Appellees.

No. 05-35005
D.C. No.
CV-04-01747-OMP
ORDER

Filed April 7, 2005

Before: Sidney R. Thomas, Circuit Judge and
En Banc Coordinator.

ORDER

The request for initial hearing en banc on the Appellant's motion for an injunction pending appeal was referred to the entire court. No judge requested a vote of the active non-recused judges on the initial hearing en banc request within the time established for requesting a vote.

Therefore, the request for initial hearing en banc on the motion for an injunction pending appeal is **DENIED**. The panel shall resume control of the case.

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